

Senate Bill 410

By: Senators Tate of the 38th, Kemp of the 3rd, Brown of the 26th, Thomas of the 2nd, Harbison of the 15th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to tax exemptions, so as to change the increased assessed value
3 homestead exemption for senior citizens by changing the taxes to which such exemption
4 shall be applicable; to remove income limitations of such homestead exemption; to provide
5 that such homestead exemption shall be in addition to and not in lieu of any other homestead
6 exemption; to provide for applicability; to provide for effective dates; to provide for a special
7 election; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
11 relating to tax exemptions, is amended by striking Code Section 48-5-47.1, relating to the
12 increased assessed value homestead exemption for certain senior citizens, and inserting in
13 its place a new Code Section 48-5-47.1 to read as follows:

14 "48-5-47.1.

15 (a) For purposes of this Code section, the term:

16 (1) 'Ad valorem taxes' means all state ad valorem taxes ~~and~~; all county ad valorem taxes
17 for county purposes levied by, for, or on behalf of a county, except for taxes to pay
18 interest on and to retire bonded indebtedness; all county school district and independent
19 school district taxes for educational purposes levied by, for, or on behalf of a school
20 district, except for taxes to pay interest on and to retire bonded indebtedness; and all
21 municipal taxes for municipal purposes levied by, for, or on behalf of a municipality,
22 except for taxes to pay interest on and to retire bonded indebtedness.

23 (2) 'Base year' means the taxable year immediately preceding the taxable year in which
24 the exemption under this Code section is first granted to the most recent owner of such
25 homestead.

1 (3) 'Homestead' as applied in this Code section shall mean the homestead as defined and
 2 qualified in Code Section 48-5-40, with the additional qualification that it shall include
 3 only the primary residence and not more than five contiguous acres of land immediately
 4 surrounding such residence.

5 ~~(4) 'Income' means federal adjusted gross income, as defined in the Internal Revenue
 6 Code of 1986, as amended, from all sources.~~

7 ~~(5)~~(4) 'Senior citizen' means a person who is ~~62~~ 65 years of age or over on or before
 8 January 1 of the year in which application for the exemption under this Code section is
 9 made.

10 (b) Each resident of a county who is a senior citizen is granted an exemption on that
 11 person's homestead from all ad valorem taxes in an amount equal to the amount of by
 12 which the current year assessed value of that homestead ~~which~~ exceeds the base year
 13 assessed value of that homestead ~~for the taxable year immediately preceding the taxable~~
 14 ~~year in which this exemption is first granted to such resident, if that person's income,~~
 15 ~~together with the income of the spouse of such person and any other person who resides~~
 16 ~~within such homestead, does not exceed \$30,000.00 for the immediately preceding taxable~~
 17 ~~year.~~ This exemption shall not apply to taxes assessed on improvements to the homestead
 18 or additional land that is added to the homestead after January 1 of the base year. If any
 19 real property is removed from the homestead, the assessment in the base year shall be
 20 adjusted to reflect such removal and the exemption shall be recalculated accordingly.

21 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 22 Code section unless the person or person's agent files an application with the tax
 23 commissioner of the county giving the person's age and ~~the amount of gross income which~~
 24 ~~the person and the person's spouse and any other persons residing within such homestead~~
 25 ~~received during the last taxable year, and such additional~~ information relative to receiving
 26 such exemption as will enable the tax commissioner to make a determination as to whether
 27 such owner is entitled to such exemption.

28 (d) The commissioner shall provide application forms for the exemption granted by this
 29 Code section which shall require such information as may be necessary to determine the
 30 initial and continuing eligibility of the owner for the exemption.

31 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.
 32 The exemption shall be automatically renewed from year to year as long as the owner
 33 occupies the residence as a homestead. After a person has filed the proper application as
 34 provided in subsection (c) of this Code section, it shall not be necessary to make
 35 application and file such affidavit thereafter for any year and the exemption shall continue
 36 to be allowed to such person. It shall be the duty of any person granted the homestead
 37 exemption under this Code section to notify the tax commissioner of the county or the

1 designee thereof in the event that person for any reason becomes ineligible for that
2 exemption.

3 (f) ~~The exemption granted by this Code section shall not apply to or affect any municipal~~
4 ~~taxes or county school district taxes for educational purposes.~~ The homestead exemption
5 granted by this Code section shall be in addition to and not in lieu of ~~and not in addition~~
6 ~~to~~ any other homestead exemption applicable to county ad valorem taxes for county
7 purposes.

8 (g) The exemption granted by this Code section shall apply to all taxable years beginning
9 on or after January 1, ~~1995~~ 2003."

10 SECTION 2.

11 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
12 State shall call and conduct a special election as provided in this section for the purpose of
13 submitting this Act to the electors of the State of Georgia for approval or rejection. The
14 Secretary of State shall conduct that special election on the date of the November, 2002,
15 state-wide general election. The Secretary of State shall issue the call and conduct that
16 special election as provided by law. The Secretary of State shall cause the date and purpose
17 of the special election to be published in the official organ of each county in the state once
18 a week for two weeks immediately preceding the date of the referendum. The ballot shall
19 have written thereon the following:

20 "() YES Shall the Act be approved which provides that the base year assessed value
21 homestead exemption be granted to senior citizens, be made applicable to
22 () NO all ad valorem taxes, and be in addition to and not in lieu of any other
23 homestead exemption?"

24 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
25 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
26 cast on such question are for approval of the Act, then Section 1 of this Act shall become
27 effective on January 1, 2003, and shall be applicable to all taxable years beginning on or after
28 that date. If the Act is not so approved or if the election is not conducted as provided in this
29 section, Section 1 of this Act shall not become effective and this Act shall be automatically
30 repealed on the first day of January immediately following that election date.

1 **SECTION 3.**

2 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
3 its approval by the Governor or upon its becoming law without such approval.

4 **SECTION 4.**

5 All laws and parts of laws in conflict with this Act are repealed.